

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1969/2001

New Delhi this the 6th day of September, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Ms. Kavita,
D/O Sh. Ram Kumar
R/O B-6/16, Deen Dayal
Upadhyay Hospital Complex,
Hari Nagar, New Delhi-64
2. Sh. Ashish Mehendiratta
S/O Sh. Raj Kumar Mehendiratta
R/O C-42, Hari Nagar, New Delhi.
3. Shri Dharam Vir,
S/O Sh. Sri Chand,
R/O-WZ-726, Palam Village,
New Delhi.
4. Smt. Sunita Devi,
W/O Sh. Rama Nand R/O
RZ-CA, Dashratpuri, Palam Road,
New Delhi.
5. Shri Sanjay
S/O Shri Itwari, R/O WZ-95
Village Bhudela, PO Bhudela,
New Delhi.
6. Shri Shiv Kishore
S/O Shri Chatar Singh
R/O H.No. E 591-592,
Company No. 2, Nangloi, Delhi.

(By Advocate Shri C.L. Dhawan)

..Applicants

VERSUS

1. Govt. of NCT of Delhi through
its Chief Secretary, Old Sectt.,
Delhi.
2. Medical Superintendent, Deen Dayal
Upadhyay Hospital, Govt. of NCT of
Delhi, Hari Nagar, New Delhi.
3. Administrative Officer,
Deen Dayal Upadhyay Hospital,
Govt. of NCT of Delhi, Hari Nagar,
New Delhi.
4. Secretary (Medical),
Govt. of NCT of Delhi, Old Sectt.,
Delhi.

d
(By Advocate Ms. Renu George)

..Respondents

O R D E R (ORAL)

(Hon'ble Shri S.A.T.Rizvi, Member (A))

Applicants, six in number, were candidates for the posts of Nursing Orderly etc. advertised by the respondents on 13.3.2000 (Annexure A). They were interviewed and their names were notified in the list of successful candidates on 2.7.2001. Notwithstanding their success, offers of appointments have not been issued to any of them. Hence the present OA.

2. Learned counsel appearing on behalf of the applicants submits that since the applicants have been selected in accordance with the rules and their names were published in the list of successful candidates, their candidature could not have been cancelled on any ground. Learned counsel appearing on behalf of the respondents, on the other hand, submits that ^{an} large scale of bungling took place during the course of selection which led to the cancellation of the entire selection process by the respondents' public notice dated 4.7.2001 (Page 53 of the paper book). According to her, the respondents have ~~the~~ rights to cancel the selection in such cases.

3. ^{After} ~~Hearing~~ the learned counsel ^{we have} ~~perused~~ perused the material placed on record, including the report of the enquiry dated 1.8.2001 enclosed with respondents' letter of the same date (page 55 of the paper book). It appears that the Selection Committee was not properly constituted for interviewing the candidates ^{who} ~~persons~~ are said to have been

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interviewed over a period of four months. It also appears that a number of candidates have been selected on the basis of various pressures exercised on behalf of Unions etc. Furthermore, the Govt. of India order/circular which provides that a representative of the minority communities should find place on the Selection Board has not been observed during the process of selection. Besides, several examples of erasings/overwritings/cuttings have also been discovered in the selection proceedings. Certain other irregularities have also been cited in the aforesaid report. Learned counsel appearing on behalf of the respondents also submits that the select list was wrongly notified on 2.7.2001 without taking the approval of the competent authority in the matter as indicated in the respondents letter of 29.5.2001 (page 54 of the paper book).

4. For all these reasons, the respondents have decided to cancel the selection process. She further submits that in a catena of judgements, the Apex Court has clearly held that it is in order to cancel selection proceedings in all cases where large scale bunglings were found to have taken place. In view of this, there is no case in support of the applicants.


5. In view of the position mentioned in the preceding paragraphs, we see no force in the plea advanced on behalf of the applicants that since their names had appeared in the selection list notified on 2.7 .2001, they have acquired an indefeasible rights to be appointed. It

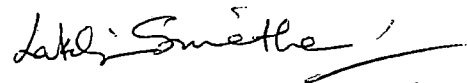
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is settled that while eligible persons have a right to be considered for appointment, there is no vested right which can be relied on for securing appointments, more so, in the circumstances which have prevailed in the present situation.

6. In the light of the foregoing, we find no merit in the OA and for the reasons given above the same is accordingly dismissed. No order as to costs.


(S.A.T. Rizvi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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